


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Getsin et al.	<b><u>Certificate of Facsimile Transmission</u></b>  I hereby certify that this correspondence is being facsimile transmitted to the USPTO, transmitted via the Office electronic filing system, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:  <div style="text-align: right;">             Date <u>3-9-07</u> Steven M. Freeland            Reg. No. 45,555            Attorney for Applicants         </div>
Appln. No.:	09/488,345	
Filed:	1/20/2000	
Title:	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR EXECUTING A MULTIMEDIA EVENT ON A PLURALITY OF CLIENT COMPUTERS USING A SYNCHRONOUS HOST ENGINE	
Examiner:	RAMAN, Usha	
Art Unit:	2623	
Customer No.:	22242	
Confirmation No.:	4291	

**Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)**

Mail Stop: Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Responsive to the notice of abandonment mailed January 12, 2007, Applicants respectfully request the withdrawal of the holding of abandonment under 37 CFR 1.181(a).

Applicants respectfully submit that the notice of Abandonment, mailed January 12, 2007, regarding U.S. Patent Application Serial No. 09/488,345 is in error. The Notice of Abandonment states that the subject application is abandoned due to "Applicant's failure to

timely file a proper reply to the Office letter mailed on 29 March 2004,” and further states that no reply to the Office letter was received.

Applicants respectfully submit, however, that a Response to the Office Action of March 29, 2004 was filed in U.S. Patent Application Serial No. 09/488,345 on June 28, 2004 by facsimile transmission, and a confirmation of receipt was received by from the USPTO. Therefore, Applicants respectfully submit that this Notice is in error and request a withdrawal of the holding of abandonment under at least 37 CFR 1.181(a).

It is noted that 37 CFR 1.8(a)(1) states that “[c]orrespondence will be considered as being timely filed if ... (B) Transmitted by Facsimile to the Patent and Trademark Office in accordance with 1.6(d).” Applicants respectfully submit that a response to the Office Action was transmitted via facsimile to the USPTO on June 28, 2004 pursuant to 37 CFR 1.6(d). Further, Applicants submit that an “Auto-Reply Facsimile Transmission” return receipt confirmation was received from the USPTO on June 28, 2004 confirming receipt of eleven (11) pages. Attached herewith as Exhibit A is a copy of the “Auto-Reply Facsimile Transmission confirming receipt of the Response filed June 28, 2004.

Further, 37 CFR 1.8(b) states that “[i]n the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section ... the correspondence will be considered timely if the party who forwarded such correspondence: ... (3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If correspondence was sent by facsimile transmission, a copy of the sending unit’s report confirming transmission may be used to support this statement ....” Applicants further submit herewith a “Declaration by Steven M. Freeland Attesting to the Filing of a Response on June 28, 2004.” This statement attests that a Response was filed in U.S. Patent Application Serial No. 09/488,345 on June 28, 2004 by Facsimile and that an “Auto-Reply Facsimile Transmission” (attached as Exhibit A) was received confirming that submission. Exhibits B and C are also attached herewith, where Exhibit B is a copy of the facsimile report from the sending unit confirming transmission of eleven (11) pages; and Exhibit C is a copy of “Amendment A” that was facsimile transmitted in U.S. Patent Application Serial No. 09/488,345 on June 28, 2004, comprising “Amendment A” of nine (9) pages (with a “Certificate of Facsimile Transmittal” on page 1), a Facsimile cover page of one (1) page and a Transmittal Form of one (1) page, for a total of eleven (11) pages.

Exhibit D also attached herewith is a printout (printed March 5, 2007) of the "Transaction History" for the subject application (i.e., U.S. Patent Application No. 09/488,345) accessed through the Patent Application Information Retrieval (PAIR) system showing an entry on June 28, 2004 of "Workflow incoming amendment IFW." This printout further demonstrates that the subject Response was timely filed and received by the USPTO.

Applicants respectfully submit that the Notice of Abandonment issued on January 12, 2007 was issued in error as Applicants timely filed a Response on June 28, 2004, which was within the three (3) month shortened period set by the office action mailed March 29, 2004. Therefore, Applicants respectfully request the Notice of Abandonment be withdrawn in accordance with 37 CFR 1.181.

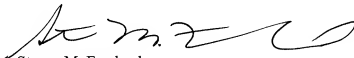
### **CONCLUSION**

In view of the statements above, the evidence presented (Exhibits A-D) and the Declaration submitted herewith, applicants respectfully submit that the notice of abandonment mailed on January 12, 2007 is in error, and respectfully request that the notice of abandonment be withdrawn.

Dated:

3-9-07

Respectfully submitted,



Steven M. Freeland  
Reg. No. 42,555  
Attorney for Applicants  
(858) 552-1311

Attachments: Exhibits A-D; and Declaration by Steven M. Freeland

**Address all correspondence to:**

FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603  
(858) 552-1311

## **Exhibit A**



# Auto-Reply Facsimile Transmission

Handwritten: *File*

TO:

Fax Sender at 8585520095

Fax Information

Date Received:

6/28/2004 2:37:17 PM [Eastern Daylight Time]

Total Pages:

11 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

06/28/04 11:37 FAX 8585520095

0001



**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

## F A C S I M I L E

Name: U.S. Patent & Trademark Office  
FAX: (703) 872-9306  
Application No.: 09/488,345  
Filing Date: January 20, 2000  
Inventors: Getsin et al.  
Art Unit: 2614  
Examiner: M.A. Johnny  
From: Steven M. Freeland, Reg. No. 42,555  
Today's Date: June 28, 2004  
Attorney Docket No.: 68617/7236  
Pages: Eleven (11) (including this 1-page coversheet)  
Dispatched by: D. Dockett

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Amendment "A" (9 pgs.); Fax coversheet (1 pg.)

The documents accompanying this facsimile transmission cover the entire contents of the documents from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the firm so that we can arrange for the return of the original documents to us. Thank you.

5676 Soranese Road, Suite 250  
San Diego, California 92121-7701  
Telephone 619-592-1311  
Fax 619-592-4095  
68617/7236/04

## **Exhibit B**

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0412	
CONNECTION TEL		17038729306
SUBADDRESS		
CONNECTION ID		
ST. TIME	06/28 11:37	
USAGE T	02'40	
PGS. SENT	11	
RESULT	OK	



**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

## F A C S I M I L E

Name: U.S. Patent & Trademark Office

FAX: (703) 872-9306

Application No.: 09/488,345

Filing Date: January 20, 2000

Inventors: Getsin et al.

Art Unit: 2614

Examiner: MA, Johnny

From: Steven M. Freeland, Reg. No. 42,555

Today's Date: June 28, 2004

Attorney Docket No.: 68617/7236

Pages: Eleven (11) (including this 1-page coversheet)

Dispatched by: D. Dockett

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.) Amendment "A" (9 pgs.): Fax coversheet (1 pg.)

## **Exhibit C**





**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

---

# F A C S I M I L E

---

Name: U.S. Patent & Trademark Office  
FAX: (703) 872-9306  
Application No.: 09/488,345  
Filing Date: January 20, 2000  
Inventors: Getsin et al.  
Art Unit: 2614  
Examiner: MA, Johnny  
  
From: Steven M. Freeland, Reg. No. 42,555  
Today's Date: June 28, 2004  
Attorney Docket No.: 68617/7236  
Pages: Eleven (11) (including this 1-page coversheet)  
Dispatched by: D. Dockett

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Amendment "A" (9 pgs.); Fax coversheet (1 pg.)

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

---

9276 Scranton Road, Suite 250  
San Diego, California 92121-7701  
Telephone 858-552-1311  
Fax 858-552-0095  
68617faxvrsht.001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

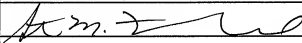
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/488,345
		Filing Date	January 20, 2000
		First Named Inventor	GetsIn
		Art Unit	2614
		Examiner Name	MA, Johnny
Total Number of Pages in This Submission	11	Attorney Docket Number	68617/7236

**ENCLOSURES (check all that apply)**

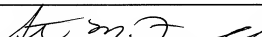
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Facsimile Transmission Coversheet</b>
---	--	---

**REMARKS:**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual name	Steven M. Freeland, Reg. No. 42,555		
Signature			
Date	June 28, 2004		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 the date shown below.			
			June 28, 2004
Typed or printed name	Steven M. Freeland		
Signature		Date	June 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.